

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2000-552-T - ORDER NO. 2006-581

OCTOBER 13, 2006

IN RE:	Application of F. J. Leamond, Jr. d/b/a Colony Historic Tours, 1326 N. Edgewater Drive, Charleston, South Carolina 29407 for a Class C Charter Certificate of Public Convenience and Necessity.	) ) ) ) ) )	ORDER REVOKING CERTIFICATE
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This matter comes before the Public Service Commission of South Carolina (“the Commission”) by way of the Petition of the South Carolina Office of Regulatory Staff (“ORS”) to revoke the Class C Charter Certificate of F.J. Leamond, Jr. d/b/a Colony Historic Tours (“F.J. Leamond, Jr.” or “Colony Historic Tours”). ORS' Petition was filed with the Commission on July 28, 2006. As set forth in S.C. Code Ann. §58-23-10, et seq. (Supp. 2005), the Commission is responsible for the regulation of motor vehicle carriers operating for compensation and pursuant to S.C. Code Ann. §58-4-10, et seq., as enacted by 2004 S.C. Acts 175, ORS is charged with the duty to protect the public interest.

By Public Service Commission of South Carolina Order No. 2004-626, Colony Historic Tours requested and was granted suspension of its operating authority as permitted by 26 S.C. Code Regs.103-164 (Supp. 2005) for a one year period beginning December 17, 2004, and ending December 17, 2005. On July 28, 2006, ORS filed a Petition for a Rule to Show Cause (“Petition”) notifying the Commission that the suspension period for Colony Historic Tours had expired and Colony Historic Tours

either has failed to seek an extension of the period of suspension or has failed to reinstate its Certificate of public Convenience and Necessity.

The Petition further set forth that Colony Historic Tours has neither requested that the suspension be lifted nor filed evidence of having current insurance in force. As evidenced by Attachments D1 and D2 to the ORS Petition in this case, ORS contacted Colony Historic Tours via two certified letters requesting an updated status from the business as to whether it intends to operate in the future or cancel its certificate since the suspension period had expired. The letters also state, "If you wish to begin operation, please send a current Form E showing proof of insurance or, if you no longer wish to continue business in the future, please send a letter asking that the Public Service Commission cancel your certificate."

Each letter also states that if ORS does not receive a written request for an extension of time to comply with the rules and regulations of the Commission or a Form E proof of insurance within two weeks, ORS will petition the Commission. The letters additionally notify Historic Colony Tours of its failure to follow South Carolina Law. Both letters dated June 13, 2006 and June 30, 2006 (Attachments D1 and D2 to the Petition) were mailed via certified letter at the business address on file with the ORS and the Commission. The certification card to the letters show that F.J. Leamond, Jr. signed for the letters on June 15 and July 5, respectively. As shown in Attachment B to the Petition, (the Affidavit of ORS employee Jeanne Gordon) Colony Historic Tours has not requested to lift its suspension and the filing of appropriate insurance has not been filed with ORS.

On August 2, 2006, the Commission set this matter for a full hearing on the merits and notified the parties that the hearing would take place on September 27, 2006, at 3:00 p.m.

A formal hearing regarding this matter was held on September 27, 2006, at 3:00 p.m. ORS was represented by Shannon Bowyer Hudson, Esquire. Jeanne Gordon, Program Specialist with ORS's Transportation Department, testified for ORS. Colony Historic Tours did not appear at the hearing. At the hearing, Ms. Gordon presented testimony that Historic Colony Tours, which is certificated by the Commission to provide Charter services, had failed to request that its suspension be extended or that its Certificate of Public Convenience and Necessity be reinstated and that no proof of current insurance as required by South Carolina law and Commission regulations was on file. Ms. Gordon additionally testified that Historic Colony Tours has not filed Annual Reports.

Accordingly, this Commission finds that Historic Colony Tours has failed to comply with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law [S.C. Code Ann. Section 58-23-10 et.seq. (1976)] as of the date of the hearing in this matter. The Commission is also of the opinion, and so finds, that the Certificate to provide Charter Service by Historic Colony Tours should be revoked and cancelled for its continued willful violation of the Commission's Rules and Regulations and/or the South Carolina Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

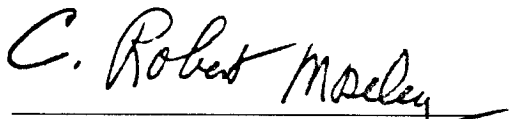
1. That the Class C Certificate to provide Charter service by Historic Colony Tours (Class C – Charter Certificate No. 7013) is hereby revoked and cancelled.
2. That all operating rights authorized under the Certificate issued to Historic Colony Tours by this Commission are hereby cancelled by this Order and declared to be null and void.
3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:

  
C. Robert Moseley, Vice Chairman

(SEAL)